

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,304	11/09/1999	FRANKLIN E. BOYER	UV-112	7797

7590 07/20/2004

G VICTOR TREYZ
FISH AND NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 100201104

EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,304

Applicant(s)

BOYER ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/26/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,12,13,15,23,24,26 and 34-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,12,13,15,23,24,26 and 34-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/02/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/19/2004 has been entered.

Claims 1, 4, 12, 15, 23 and 26 have been amended. Claims 3, 5-11, 14, 16-22, 25 and 27-33 have been cancelled. Claims 34-42 have been added as new claims. Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 are presented for examination.

Claim Objections

2. Claim 39 is objected to because of the following informalities:

"The method of claim 38, ..." should be "The system of claim 38, ..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

~~4. Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Gerace (US 5,848,396).~~

5. As to claims 1 and 4, Gerace teaches a system and method for providing a user with personalized schedule information for television-related and non-television-related events, comprising:

providing the user with an opportunity to select at least one television-related information source from a plurality of television-related information sources (*i.e., from network/local/satellite channels*) (Gerace, C11: L24-42 and C22: L43-52);

providing the user with an opportunity to specify criteria for delivering information from the at least one selected television-related information source (*Users will be able to find network and local television and film schedules by the "zip code" criteria. Users also have the capability to search, i.e., to specify criteria, for a specific show or film or national/satellite channel or theater to see where, when and what they are playing*) (Gerace, C11: L24-42 and C22: L43-52);

providing the user with an opportunity to select at least one non-television-related information source from a plurality of non-television-related information sources (*i.e., select at least one from the various categories of interest including financial information, sports, weather, travel, film, show, theater, etc. obtained from networks 19a-c, i.e., from the Internet*) for providing schedule information for non-televised events (Gerace, C7: L46 – C9: L30 and C11: L24-42);

providing the user with an opportunity to specify criteria for delivering information from the at least one selected non-television-related information source (*i.e., upon user selection of the Travel Schedule Category, a Travel Schedule Page Display includes departure, arrival and reservation information for airlines, buses, boats and trains. Also, users will be able to find film schedules by the "zip code" criteria and have the capability to search, i.e., to specify criteria, for a specific show or film or theater to see where, when and what they are playing;*) (Gerace, C9: L8-30, C11: L24-42 and C22: L43-52);

providing the user with an opportunity to select a delivery scheme from a plurality of delivery schemes consisting of continuous delivery, e-mail, HTML mail, pager/digital phone reminder, and pager/digital phone notification, for delivering the personalized schedule information (*delivering messages, notices, warnings and the personalized schedule information via email or the World Wide Web*) (Gerace, C17: L18-52, C21: L23-27 and L50-52, C22: L10-11 and L23-25);

generating the personalized schedule information (*i.e., the Media Schedule Page*), wherein the schedule information includes television program listings based on the specified criteria for delivering information from the at least one selected television-

related information source, and wherein the schedule information includes information for non-televised events based on the specified criteria for delivering information from the at least one selected non-television-related information source (Gerace, C10: L9 – C11: L42, C22: L43-52 and C26: L40-63); and

delivering the personalized schedule information to the user based on the delivery scheme selected by the user (*Media Schedule Page is displayed for the user via email or the World Wide Web*).

6. As to claim 2, Gerace teaches the method of claim 1, further comprising the step of providing the user with an opportunity to select at least one desired non-television-related web site (Gerace, C8: L29-32, C10: L32-38 and C14: L24-36).

7. As to claims 34-35, Gerace teaches the method of claim 1, further comprising the step of providing the user with an opportunity to specify display settings (*colors, design, layout, etc.*) for displaying the personalized schedule information and maintaining a history of user preferences (*i.e., user profile*) based on the information specified by the user (Gerace, C4: L12-29, L56-65, C6: L22-45 and C17: L1-8).

8. As to claim 36, Gerace teaches the method of claim 35, further comprising the step of providing the user with reminders based on the history of user preferences (Gerace, C17: L38-52).

9. Claims 12-13, 15, 23-24, 26 and 37-42 are corresponding on-line scheduling application system claims of claims 1-2, 4 and 34-36; therefore, they are rejected under the same rationale.

10. Applicant's arguments as well as request for reconsideration filed on 05/19/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.


11. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER